

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

1 Page 103, between lines 20 and 21, begin a new paragraph and
2 insert:
3 "SECTION 54. IC 4-13-2-18 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) For the purpose
5 of the administration of the allotment system provided by this section,
6 each fiscal year shall be divided into four (4) quarterly allotment
7 periods, beginning respectively on the first day of July, October,
8 January, and April. However, in any case where the quarterly allotment
9 period is impracticable, the state budget director may prescribe a
10 different period suited to the circumstances but not extending beyond
11 the end of any fiscal year.
12 (b) Except as otherwise expressly provided in this section, the
13 provisions of this chapter relating to the allotment system and to the
14 encumbering of funds shall apply to appropriations and funds of all
15 kinds, including standing or annual appropriations and dedicated funds,
16 from which expenditures are to be made from time to time by or under
17 the authority of any state agency. However, the provisions relating to
18 the allotment system shall not apply to moneys made available for the
19 purpose of conducting a post-audit of financial transactions of any state
20 agency. Likewise, appropriations for construction or for the acquisition
21 of real estate for public purposes may be exempted from the allotment
22 system by the state budget director, but in such cases he shall prescribe
23 such regulations as will insure the proper application and encumbering
24 of funds.

(c) No appropriation to any state agency shall become available for expenditure until:

(1) such state agency shall have submitted to the state budget agency a request for allotment, such request for allotment to consist of an estimate of the amount required for each activity and each purpose for which money is to be expended during the applicable allotment period; and

(2) such estimate contained in the request for allotment shall have been approved, increased, or decreased by the state budget director and funds allotted therefor as hereinafter provided.

The form of a request for allotment, including a request by hand, mail, facsimile transmission, or other electronic transmission, shall be prescribed by the state budget agency with the approval of the auditor of state and shall be submitted to them at least twenty-five (25) days prior to the beginning of the allotment period.

(d) Each request for allotment shall be reviewed by the state budget agency and respective amounts therein shall be allotted for expenditure if:

(1) the estimate therein is within the terms of the appropriation as to amount and purpose, having due regard for the probable future needs of the state agency for the remainder of the fiscal year or other term for which the appropriation was made; and

(2) the agency contemplates expenditure of the allotment during the period.

Otherwise the state budget agency shall modify the estimate so as to conform with the terms of the appropriation and the prospective needs of the state agency, and shall reduce the amount to be allotted accordingly. The state budget agency shall act promptly upon all requests for allotment and shall notify every state agency of its allotments at least five (5) days before the beginning of each allotment period. The total amount allotted to any agency for the fiscal year or other term for which the appropriation was made shall not exceed the amount appropriated for such year or term.

(e) The state budget director shall also have authority at any time to modify or amend any allotment previously made by him.

(f) In case the state budget director shall discover at any time that:

(1) the probable receipts from taxes or other sources for any fund will be less than were anticipated; and

(2) as a consequence the amount available for the remainder of the term of the appropriation or for any allotment period will be less than the amount estimated or allotted therefor;

he shall, with the approval of the governor, and after notice to the state agency or agencies concerned, reduce the amount or amounts allotted or to be allotted so as to prevent a deficit.

(g) In the case that the budget director shall discover at any time that the amount payable from state taxes, receipts from a political

subdivision for the purpose of a state expenditure, fees, and the sale of property for the remainder of a state fiscal year will exceed the probable receipts in the state fiscal year from state taxes, receipts from a political subdivision for the purpose of a state expenditure, fees, and the sale of property, the budget director shall, with the approval of the governor, and after notice to the state agency or agencies concerned, reduce the amount or amounts allotted or to be allotted so as to prevent a deficit.

~~(g)~~ (h) The state budget agency shall promptly transmit records of all allotments and modifications thereof to the auditor of state.

~~(h)~~ (i) The auditor of state shall maintain as a part of the central accounting system for the state, as hereinbefore provided, records showing at all times, by funds, accounts, and other pertinent classifications, the amounts appropriated, the estimated revenues, the actual revenues or receipts; the amounts allotted and available for expenditure, the total expenditures, the unliquidated obligations, actual balances on hand, and the unencumbered balances of the allotments for each state agency.

~~(i)~~ (j) No payment shall be made from any fund, allotment, or appropriation unless the auditor of state shall first certify that there is a sufficient unencumbered balance in such fund, allotment, or appropriation, after taking into consideration all previous expenditures to meet the same. In the case of an obligation to be paid from federal funds, a notice of federal grant award shall be considered an appropriation against which obligations may be incurred, funds may be allotted, and encumbrances may be made.

~~(j)~~ (k) Every expenditure or obligation authorized or incurred in violation of the provisions of this chapter shall be void. Every payment made in violation of the provisions of this chapter shall be illegal, and every official authorizing or making such payment, or taking part therein, and every person receiving such payment, or any part thereof, shall be jointly and severally liable to the state for the full amount so paid or received. If any appointive officer or employee of the state shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this chapter, or take any part therein, it shall be ground for his removal by the officer appointing him, and if the appointing officer be other than the governor and shall fail to remove such officer or employee, the governor may exercise such power of removal after giving notice of the charges and

- 1 opportunity for hearing thereon to the accused officer or employee and
- 2 to the officer appointing him."
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as printed February 17, 2009.)

Representative Turner